

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID S. BROWER,

Plaintiff,

v.

DANIELLE T.T. QUATCH et al.,

Defendants.

CASE NO. 25-cv-00687-JHC

ORDER

I
INTRODUCTION

This matter comes before the Court sua sponte after the Court granted Plaintiff David S. Brower leave to file an amended complaint. Dkt. # 10. In the amended complaint, Plaintiff alleges violations of state and federal law and asks for a preliminary injunction under Rule 65, an order declaring the decisions in a King County Superior Court case void, and the disqualification of this judge. For the reasons discussed below, the amended complaint is DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii).

II
BACKGROUND

On April 14, 2025, Plaintiff moved for leave to proceed in forma pauperis (IFP) and filed an emergency motion for injunctive relief against Danielle T.T. Quatch; Ashleigh B. Holmes; the

1 law firm of Nunn, Vhan & Lang, P.L.L.C; and King County Superior Court. Dkt. # 1.
 2 Magistrate Judge Brian A. Tsuchida granted Plaintiff IFP status. Dkt. # 4. The Court dismissed
 3 Plaintiff's original complaint without prejudice for lack of subject matter jurisdiction and for
 4 failure to state a claim, and granted leave for him to file an amended complaint. Dkt. # 10.

5 In his amended complaint, Plaintiff adds Judge Maureen McKee, the Washington State
 6 Bar Association, and the undersigned judge as Defendants. Dkt. # 11. He says that his
 7 complaint arises from litigation abuse, judicial misconduct, and "federally disqualifying
 8 conduct" by attorneys, state actors, and bar regulatory authorities related to divorce and
 9 bankruptcy proceedings in state and federal court. *Id.* at 2. He brings claims under RCW
 10 9A.36.060 and 18 U.S.C. § 1519. *Id.* at 3–15. He also says that he seeks preliminary injunctive
 11 relief due to the enforcement of void state orders and the attempted theft of his service dog. *Id.*
 12 at 3. And he contends that an emergency injunction is warranted due to ongoing litigation
 13 harassment and procedural sabotage across multiple courts. *Id.* at 16. In addition, Plaintiff asks
 14 the Court to issue a formal declaration that all orders in King County Superior Court Case No.
 15 23-3-04962-8 SEA are void. *Id.* at 20. Plaintiff also moved to disqualify this judge from the
 16 case because "Judge Chun's continued role in this case would create an unavoidable appearance
 17 of bias." *Id.* at 21.¹

18 III 19 DISCUSSION

20 A. Legal Standard

21 A complaint filed by a plaintiff proceeding IFP is subject to a mandatory sua sponte
 22 review and the Court "shall dismiss the case at any time if the court determines that . . . the

23
 24 ¹ The Court has denied this motion. Dkt. # 13. This decision was affirmed by Chief Judge Estudillo in accordance with the Local Rules of this District. Dkt. # 14; *see* LCR 3(f).

1 action or appeal—(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be
 2 granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28
 3 U.S.C. § 1915(e)(2)(B); *see Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001) (“[T]he
 4 provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners.”).

5 B. Claims under RCW 9A.36.060 and 18 U.S.C. § 1519

6 In Plaintiff’s first claim, he alleges several Defendants have promoted a suicide attempt
 7 in violation of RCW 9A.36.060. Dkt. # 3–10. But this is a criminal statute that does not provide
 8 for a private cause of action. *See* RCW 9A.36.060. In Washington, “[w]hen the Legislature has
 9 intended to create a private civil right of action based upon violation of a criminal statute, it has
 10 done so explicitly.” *Lynch v. City of Winlock*, No. 24426-8-II, 2000 WL 776826, at *2 (Wash.
 11 App. June 16, 2000). Thus, this claim must be dismissed because Plaintiff does not have a
 12 private cause of action to bring his claim against these Defendants.

13 Plaintiff’s second and fourth claims are brought under 18 U.S.C. § 1519.² Dkt. # 11 at
 14 10–15. This is also a criminal statute that does not create a private right of action. *Keyter v.*
 15 *McCain*, 207 F. App’x 801, 802 (9th Cir. 2006) (“[S]tatutes that provide for punishment by fine
 16 or imprisonment do not create privately enforceable rights or give rise to civil liability.”). Thus,
 17 these claims must likewise be dismissed. *See id.*

18 C. Preliminary Injunction

19 Under federal law, a preliminary injunction is “an extraordinary remedy that may only be
 20 awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res.*
 21 *Def. Council, Inc.*, 555 U.S. 7, 23 (2008). To obtain a preliminary injunction, the plaintiff must
 22 show (1) they are “likely to succeed on the merits”; (2) they are “likely to suffer irreparable harm
 23

24 ² Plaintiff does not bring a third claim. *See* Dkt. # 11 at 10–15.

1 in the absence of” a preliminary injunction”; (3) “the balance of equities tips in [their] favor”;
2 and (4) a preliminary injunction “is in the public interest.” *Stormans, Inc. v. Selecky*, 586 F.3d
3 1109, 1127 (9th Cir. 2009) (quoting *Winter*, 555 U.S. at 20) (these are called the *Winter* factors).

4 Plaintiff does not meet the first *Winter* factor. He does not bring a claim under any law
5 with a private cause of action. *See* Section III(B), *supra*. Nor does he provide factual allegations
6 that allow the Court to evaluate the merit of his claims; instead, he only offers conclusory
7 statements that do not show he is likely to succeed on the merits. *See* Dkt. # 11 at 15–19.

8 Likelihood of success on the merits “is a threshold inquiry” and “is the most important”
9 *Winter* factor. *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (en banc). If there are
10 no “serious questions going to the merits,” *All. for the Wild Rockies*, 632 F.3d at 1134–35, the
11 court need not consider the other *Winter* factors, *see Disney Enters., Inc. v. VidAngel, Inc.*, 869
12 F.3d 848, 856 (9th Cir. 2017).

13 Plaintiff does not raise serious questions going to the merits of his injunction claim, so
14 the Court does not consider the other *Winter* factors.

15 D. Order Declaring State Court Orders Void


16 Plaintiff next moves the Court “to issue a formal declaration that all state court orders
17 issued under King County Superior Court Case No. 23-3-04962-8 SEA are void ab initio, due to
18 proven jurisdictional sabotage, procedural manipulation, and violations of the Plaintiff’s
19 federally protected rights.” Dkt. # 11 at 19. This appears, yet again, to be a de facto appeal of a
20 state court decision because Plaintiff asserts that the state court made legal errors and the orders
21 in this case were wrongly decided. *Id.* at 19–20; *see* Dkt. # 10 at 3. But the Court lacks
22 jurisdiction to conduct this sort of review. *Noel v. Hall*, 341 F.3d 1148, 1155 (9th Cir. 2003) (“A
23 party disappointed by a decision of a state court may seek reversal of that decision by appealing
24 to a higher state court. A party disappointed by a decision of the highest state court in which a

1 decision may be had may seek reversal of that decision by appealing to the United States
2 Supreme Court. In neither case may the disappointed party appeal to a federal district court, even
3 if a federal question is present or if there is diversity of citizenship between the parties.”).

4 **IV**
CONCLUSION

5 For all these reasons, the Court DISMISSES with prejudice Plaintiff’s claims under 28
6 U.S.C. § 1915(e)(2)(B)(ii). *See* Dkt. # 10 at 4 (“If Brower’s amended complaint fails to meet the
7 required pleading standard, the Court will dismiss the matter with prejudice.”).

8 Dated this 27th day of May, 2025.

9
10 
11 John H. Chun
United States District Judge